

fense and Homeland Security, the Attorney General, and the heads of other executive departments and agencies.

(c) After the date of this memorandum and until the Program is terminated, the Secretary, in consultation with the Secretaries of Defense and Homeland Security and the Attorney General, shall submit an annual report to the President setting forth the Secretary's interim findings and conclusions concerning the Program. Not later than 90 days after the Program is terminated, the Secretary shall submit a final report to the President setting forth the Secretary's findings and conclusions concerning the Program.

SEC. 6. *Definitions.* As used in this memorandum, the next stated terms, in singular and plural, are defined as follows:

(a) The term "unmanned aircraft system" has the meaning given that term in section 331 of the FMRA [Pub. L. 112-95, set out in a note above].

(b) The term "public unmanned aircraft system" has the meaning given that term in section 331 of the FMRA.

(c) The term "civil unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a civil aircraft, as defined in 49 U.S.C. 40102.

SEC. 7. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) the conduct of public aircraft operations, as defined in 49 U.S.C. 40102(a)(41) and 40125, by executive departments and agencies, consistent with applicable Federal law.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

#### § 44803. Unmanned aircraft system test ranges

(a) TEST RANGES.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of unmanned aircraft system (in this section referred to as UAS) test ranges to—

(A) enable a broad variety of development, testing, and evaluation activities related to UAS and associated technologies; and

(B) the extent consistent with aviation safety and efficiency, support the safe integration of unmanned aircraft systems into the national airspace system.

(2) DESIGNATIONS.—

(A) EXISTING TEST RANGES.—Test ranges designated under this section shall include the 7 test ranges established under the following:

(i) Section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018 (Public Law 115-254).

(ii) Any other test ranges designated pursuant to the amendment made by sec-

tion 2201(b) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note) after the date of enactment of such Act.

(B) NEW TEST RANGES.—If the Administrator finds that it is in the best interest of enabling safe UAS integration into the national airspace system, the Administrator may select and designate as a test range under this section up to 2 additional test ranges in accordance with the requirements of this section through a competitive selection process.

(C) LIMITATION.—Not more than 9 test ranges designated under this section shall be part of the program established under this section at any given time.

(3) ELIGIBILITY.—Test ranges selected by the Administrator pursuant to (2)(B) shall—

(A) be an instrumentality of a State, local, Tribal, or territorial government or other public entity;

(B) be approved by the chief executive officer of the State, local, territorial, or Tribal government for the principal place of business of the applicant, prior to seeking designation by the Administrator;

(C) undertake and ensure testing and evaluation of innovative concepts, technologies, and operations that will offer new safety benefits, including developing and retaining an advanced aviation industrial base within the United States; and

(D) meet any other requirements established by the Administrator.

(b) AIRSPACE REQUIREMENTS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Administrator may establish, upon the request of a test range sponsor designated by the Administrator under subsection (a), a restricted area, special use airspace, or other similar type of airspace pursuant to part 73 of title 14, Code of Federal Regulations, for purposes of—

(A) accommodating hazardous development, testing, and evaluation activities to inform the safe integration of unmanned aircraft systems into the national airspace system; or

(B) other activities authorized by the Administrator pursuant to subsection (f).

(2) NEPA REVIEW.—The Administrator may require that each test range sponsor designated by the Administrator under subsection (a) provide a draft environmental review consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), subject to the supervision of and adoption by the Administrator, with respect to any request for the establishment of a restricted area, special use airspace, or other similar type of airspace under this subsection.

(3) INACTIVE RESTRICTED AREA OR SPECIAL USE AIRSPACE.—

(A) IN GENERAL.—In the event a restricted area, special use airspace, or other similar type of airspace established under paragraph (1) is not needed to meet the needs of the using agency (as described in subparagraph

(B)), any related airspace restrictions, limitations, or designations shall be inactive.

(B) USING AGENCY.—For purposes of this subsection, a test range sponsor designated by the Administrator under subsection (a) shall be considered the using agency with respect to a restricted area established by the Administrator under this subsection.

(4) APPROVAL AUTHORITY.—The Administrator shall have the authority to approve access by a participating or nonparticipating operator to a test range or restricted area, special use airspace, or other similar type of airspace established by the Administrator under this subsection.

(c) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator—

(1) may develop operational standards and air traffic requirements for flight operations at test ranges;

(2) shall coordinate with, and leverage the resources of, the Administrator of the National Aeronautics and Space Administration and other relevant Federal agencies, as determined appropriate by the Administrator;

(3) shall address both civil and public aircraft operations;

(4) shall provide for verification of the safety of flight systems and related navigation procedures as such systems and procedures relate to the continued development of regulations and standards for integration of unmanned aircraft systems into the national airspace system;

(5) shall engage test range sponsors, as necessary and with available resources, in projects for development, testing, and evaluation of flight systems, including activities conducted pursuant to section 1042 of the FAA Reauthorization Act of 2024, to facilitate the development of regulations and the validation of standards by the Administrator for the safe integration of unmanned aircraft systems into the national airspace system, which may include activities related to—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts regarding any hazards or limitations on flight, including prohibition on flight, as necessary;

(C) developing or validating sense and avoid capabilities;

(D) developing or validating technology to support communications, navigation, and surveillance;

(E) testing or validating operational concepts and technologies related to beyond visual line of sight operations, autonomous operations, nighttime operations, operations over people, operations involving multiple unmanned aircraft systems by a single pilot or operator, and unmanned aircraft systems traffic management capabilities or services;

(F) improving privacy protections through the use of advances in unmanned aircraft systems;

(G) conducting counter-UAS testing capabilities, with the approval of the Administrator; and

(H) other relevant topics for which development, testing or evaluation are needed;

(6) shall develop data sharing and collection requirements for test ranges to support the unmanned aircraft systems integration efforts of the Administration and coordinate periodically with all test range sponsors to ensure the test range sponsors know—

(A) what data should be collected;

(B) how data can be de-identified to flow more readily to the Administration;

(C) what procedures should be followed; and

(D) what development, testing, and evaluation would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

(7) shall allow test range sponsors to receive Federal funding, including in-kind contributions, other than from the Federal Aviation Administration, in furtherance of research, development, testing, and evaluation objectives; and

(8) shall use modeling and simulation tools to assist in the testing, evaluation, verification, and validation of unmanned aircraft systems.

(d) EXEMPTION.—Except as provided in subsection (f), the requirements of section 44711, including any related implementing regulations, shall not apply to persons approved by the test range sponsor for operation at a test range designated by the Administrator under this section.

(e) RESPONSIBILITIES OF TEST RANGE SPONSORS.—The sponsor of each test range designated by the Administrator under subsection (a) shall—

(1) provide access to all interested private and public entities seeking to carry out research, development, testing and evaluation activities at the test range designated pursuant to this section, to the greatest extent practicable, consistent with safety and any operating procedures established by the test range sponsor, including access by small business concerns (as such term is defined in section 3 of the Small Business Act (15 U.S.C. 632));

(2) ensure all activities remain within the geographical boundaries and altitude limitations established for any restricted area, special use airspace, or other similar type of airspace covering the test range;

(3) ensure no activity is conducted at the designated test range in a careless or reckless manner;

(4) establish safe operating procedures for all operators approved for activities at the test range, including provisions for maintaining operational control and ensuring protection of persons and property on the ground, subject to approval by the Administrator;

(5) exercise direct oversight of all operations conducted at the test range;

(6) consult with the Administrator on the nature of planned activities at the test range and whether temporary segregation of the airspace is required to contain such activities consistent with aviation safety;

(7) protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using the test range;

(8) maintain detailed records of all ongoing and completed activities conducted at the test range and all operators conducting such activities, for inspection by, and reporting to, the Administrator, as required by agreement between the Administrator and the test range sponsor;

(9) make all original records available for inspection upon request by the Administrator; and

(10) provide recommendations, on a quarterly basis until the program terminates, to the Administrator to further enable public and private development, testing, and evaluation activities at the test ranges to contribute to the safe integration of unmanned aircraft systems into the national airspace system.

(f) TESTING.—

(1) IN GENERAL.—The Administrator may authorize a sponsor of a test range designated under subsection (a) to host research, development, testing, and evaluation activities, including activities conducted pursuant to section 1042 of the FAA Reauthorization Act of 2024, as appropriate, other than activities directly related to the integration of unmanned aircraft systems into the national airspace system, so long as the activity is necessary to inform the development of regulations, standards, or policy for integrating new types of flight systems into the national airspace system.

(2) WAIVER.— In carrying out this section, the Administrator may waive the requirements of section 44711 (including any related implementing regulations) to the extent the Administrator determines such waiver is consistent with aviation safety.

(g) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the transaction authority under section 106(l)(6), including in coordination with the Center of Excellence for Unmanned Aircraft Systems, to enter into collaborative research and development agreements or to direct research, development, testing, and evaluation related to unmanned aircraft systems, including activities conducted pursuant to section 1042 of the FAA Reauthorization Act of 2024, as appropriate, at any test range designated under subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—Out of amounts authorized to be appropriated under section 106(k), \$6,000,000 for each of fiscal years 2025 through 2028, shall be available to the Administrator for the purposes of—

(A) providing matching funds to commercial entities that contract with a UAS test range to demonstrate or validate technologies that the FAA considers essential to the safe integration of UAS into the national airspace system; and

(B) supporting or performing such demonstration and validation activities described in subparagraph (A) at a test range designated under the section.

(2) DISBURSEMENT.—Funding provided under this subsection shall be divided evenly among

all UAS test ranges designated under this section, for the purpose of providing matching funds to commercial entities described in paragraph (1) and available until expended.

(i) TERMINATION.—The program under this section shall terminate on September 30, 2028.

(Added Pub. L. 118–63, title IX, §925(a), May 16, 2024, 138 Stat. 1356.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 332(c) of the FAA Modernization and Reform Act of 2012, referred to in subsec. (a)(2)(A)(i), is section 332(c) of Pub. L. 112–95, which is set out as a note under section 40101 of this title.

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a)(2)(A)(i), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

Section 2201(b) of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (a)(2)(A)(ii), is section 2201(b) of Pub. L. 114–190, which is set out as a note under section 40101 of this title.

The date of enactment of such Act, referred to in subsec. (a)(2)(A)(ii), is the date of enactment of Pub. L. 114–190, which was approved July 15, 2016.

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Section 1042 of the FAA Reauthorization Act of 2024, referred to in subsecs. (c)(5), (f)(1), and (g), is section 1042 of subtitle B of title X of Pub. L. 118–63, 138 Stat. 1407, which is set out in a note under section 40101 of this title.

#### PRIOR PROVISIONS

A prior section 44803, added Pub. L. 115–254, div. B, title III, §343(a), Oct. 5, 2018, 132 Stat. 3288; amended Pub. L. 118–15, div. B, title II, §2202(b), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(b), Dec. 26, 2023, 137 Stat. 1113; Pub. L. 118–41, title I, §102(b), Mar. 8, 2024, 138 Stat. 21, related to unmanned aircraft test ranges, prior to repeal by Pub. L. 118–63, title IX, §925(a), May 16, 2024, 138 Stat. 1355.

### Statutory Notes and Related Subsidiaries

#### EXPANDING USE OF INNOVATIVE TECHNOLOGIES IN THE GULF OF MEXICO

Pub. L. 118–63, title IX, §937, May 16, 2024, 138 Stat. 1374, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall prioritize the authorization of an eligible UAS test range sponsor partnering with an eligible airport authority to achieve the goals specified in subsection (b).

“(b) GOALS.—The goals of a partnership authorized pursuant to subsection (a) shall be to test the operations of innovative technologies in both commercial and non-commercial applications, consistent with existing law, to—

“(1) identify challenges associated with aviation operations over large bodies of water;

“(2) provide transportation of cargo and passengers to offshore energy infrastructure;

“(3) assess the impacts of operations in saltwater environments;

“(4) identify the challenges of integrating such technologies in complex airspace, including with commercial rotorcraft; and

“(5) identify the differences between coordinating with Federal air traffic control towers and towers op-

erated under the FAA [Federal Aviation Administration] Contract Tower Program.

“(c) BRIEFING TO CONGRESS.—The Administrator shall provide an annual briefing to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] on the status of the partnership authorized under this section, including detailing any barriers to the commercialization of innovative technologies in the Gulf of Mexico.

“(d) DEFINITIONS.—In this section:

“(1) ELIGIBLE AIRPORT AUTHORITY.—The term ‘eligible airport authority’ means an AIP-eligible airport authority that is—

“(A) located in a state bordering the Gulf of Mexico which does not already contain a UAS Test Range;

“(B) has an air traffic control tower operated under the FAA Contract Tower Program;

“(C) is located within 60 miles of a port; and

“(D) does not have any scheduled passenger airline service as of the date of the enactment of this Act [May 16, 2024].

“(2) INNOVATIVE TECHNOLOGIES.—The term ‘innovative technologies’ means unmanned aircraft systems and powered-lift aircraft.

“(3) UAS.—The term ‘UAS’ means an unmanned aircraft system.”

[For definition of “unmanned aircraft system” as used in section 937 of Pub. L. 118–63, set out above, see section 44801 of this title, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

#### § 44804. Unmanned aircraft in the Arctic

(a) IN GENERAL.—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where unmanned aircraft may operate 24 hours per day for research and commercial purposes.

(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond the visual line of sight.

(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) AIRCRAFT APPROVAL.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) EXISTING PROCESS.—The Secretary may implement an existing process to meet the requirements under paragraph (1).

(Added Pub. L. 115–254, div. B, title III, §344(a), Oct. 5, 2018, 132 Stat. 3290; amended Pub. L. 118–63, title IX, §902(a), May 16, 2024, 138 Stat. 1341.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(d) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

##### AMENDMENTS

2024—Pub. L. 118–63, §902(a)(1), substituted “Unmanned” for “Small unmanned” in section catchline. Catchline was editorially conformed to the style used in this title.

Subsecs. (a), (b), (e)(1). Pub. L. 118–63, §902(a)(2), struck out “small” before “unmanned aircraft” wherever appearing.

#### § 44805. Small unmanned aircraft safety standards

(a) FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.—The Administrator of the Federal Aviation Administration shall establish a process for—

(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

(2) authorizing the operation of a small unmanned aircraft system make and model designed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (1).

(b) CONSIDERATIONS.—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

(2) Using performance-based requirements.

(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, includ-